

**MINUTES
ZONING BOARD OF ADJUSTMENT
JUNE 20, 2017**

1. CALL TO ORDER – Mescher called the meeting to order at 4:00 p.m.

2. ROLL CALL

Members Present: Behrens, Mescher, Olson and Vargas
Members Absent: Juon
Staff: Brown, Gibbons and Wade

3. PLEDGE OF ALLEGIANCE

4. ADOPTION OF AGENDA

Motion by Behrens, second by Olson, to adopt the agenda as printed. Motion carried by unanimous voice vote.

5. APPROVAL – MINUTES OF APRIL 18, 2017 MEETING

Motion by Olson, second by Vargas, to approve the minutes as written. Motion carried by unanimous voice vote.

6. PROOF OF PUBLICATION – Brown

7. REVIEW OF MEETING PROCEDURES – Mescher

8. PUBLIC HEARINGS

A. CASE #CU-17-002: Public hearing on the request of Emanuel Lutheran Church, represented by Roger Doehling, for a conditional use permit to allow a 'day care service' in an R-1/Single Family Residential District on property legally described as being Lot 1, Auditor's Subdivision of the SE1/4 NW1/4 and Lot 1, Auditor's Subdivision of the SW1/4 NW1/4 along with Lot 12, except the North 10 feet thereof, and Lot 13, Auditor's Subdivision of the NE1/4 NW1/4, lying West of Indian Creek, all in Section 19-75-43, City of Council Bluffs, Pottawattamie County, Iowa.

The following members of the public spoke in favor of the request:

Roger Doehling, LYNC Architecture, LLC, 16360 Riggs Street, Omaha, NE 68135, stated the request is to establish a day service within Emanuel Lutheran Church located at 2444 North Broadway. Doehling then discussed the floor plan layout and parking plan for the proposed day care service. Doehling also stated that the applicant has no issues complying with the approval conditions in case staff report.

Pastor Lowell Hennigs, Emanuel Lutheran Church, 2444 North Broadway, Council Bluffs, IA 51503 stated his Church conducted a community needs assessment and determined that additional child care service providers are needed within Council Bluffs. Hennigs then discussed the plan of operation and the number of children that will be cared for at the proposed day care facility.

No one spoke in opposition of the request.

The Board then asked questions and discussed request.

Motion by Olson, second by Behrens to approve the requested conditional use permit to allow a 'day care service' in an R-1/Single Family Residential District at 2444 North Broadway, as legally described above, and subject to the conditions in the staff report, as follows:

1. The applicant shall secure all necessary permits and licenses for the operation of the conditional use and shall comply with all applicable Federal, State and local codes.
2. The number of children and employees at the day care shall comply with the regulations of the State of Iowa – Department of Human Services.
3. The hours of operation for the day care shall be Monday through Friday, 6:30 a.m. to 6:30 p.m.
4. The outdoor play area shall be restricted to within the boundary of the applicant's property.
5. All construction plans for the day care shall comply with all applicable building and fire codes.
6. All exterior signage for the day care shall comply with Section 15.33, Signs, of the Council Bluffs Municipal Code (Zoning Ordinance).

Finding of Fact:

1. The proposed conditional use will comply with all applicable regulations of this ordinance, including lot requirements, bulk regulations, use limitations and all other standards or conditions contained in the provisions authorizing such use.
2. Adequate utility, drainage and other necessary facilities or improvements have been or will be provided.
3. Adequate access roads or entrance and exit drives will be designed and built to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys.
4. All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly appears that such permits are obtainable for the proposed conditional use on the subject property.
5. All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties.
6. The location and size of the conditional use, the nature and intensity of the activities to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located.
7. The location, nature and height of buildings, structures, walls and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings and structures.
8. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public.

VOTE: AYE – Behrens, Mescher, Olson and Vargas. NAY – None. ABSTAIN – None. ABSENT – Juon. Motion carried.

9. OTHER BUSINESS

- A. Items of interest – Brown introduced Mr. Christopher Meeks as the new Planner in the Council Bluffs Community Development Department to the Board.

10. ADJOURNMENT – Mescher adjourned the meeting at 4:07 p.m.

The recording of this proceeding, though not transcribed, is part of the record of each respective action of the Zoning Board of Adjustment. The recording of this proceeding is incorporated into these official minutes of this Board meeting as if they were transcribed herein.